

REMARKS

Claim 9 has been amended as needed so as to emphasize its novel subject matter relative to the prior art.

Claim 10 is believed sufficiently already to emphasize its novel subject matter relative to the prior art, and so needs no amendment.

Reconsideration is accordingly respectfully requested, for the rejection the claims as unpatentable over EP 0 897 174 in view of EP 0 911 803, and NEWSAM, possibly with any of the HOM, WHITEMORE et al. or BEGGS et al., or as in the case of claim 10, as unpatentable over that combination of references, further in view of DAUNT et al. and ADEE et al.

In the first place, such complicated combinations of references sink by their own weight. As the Examiner is aware, the Board of Patent Appeals and Interferences would never affirm such a rejection, by virtue of its sheer complexity, and so such a rejection should not be made in the first instance. The suggestion that a person of ordinary skill in this art would look to all of those references and pick and choose between and among their various features to make the complicated combination proposed by these rejections, would be reversed out of hand by the Board, on the ground of its complexity alone, regardless of the technical features involved.

Turning now to the rejection of claim 9 and others, it will be noted that EP 0 897 174 discloses a first deposit of an acoustic material on a mold, then deposition of the reinforcement material on the acoustic material, and lastly the deposition of the honeycomb acoustic reflector. This reference corresponds to U.S. 6,268,038, of which a copy is attached, and from which it will be seen that there is first placed on the mold an acoustically damping cloth, then on the cloth the reinforcing material comprising a sheet of filaments with low acoustic impedance, and over these structures a core of cellular structure having a total reflector on its other surface.

By contrast, EP 0 911 803 discloses a process for the production of an acoustic attenuation panel, in which a metallic perforated structure in the form of a protective plate covers a metallic wire mesh of acoustic attenuation structure, which in turn covers a honeycomb structure. This reference is not concerned with a polymeric structure, but rather uses a perforated structural plate to protect a metallic acoustic attenuation structure covering a reflecting device.

NEWSAM discloses a first layer 14 made of a fabric adapted to function as an acoustical damper, a second layer 15 of an open weave fabric defining a plurality of apertures, and a third layer comprising an aluminum cellular core in the form of honeycomb structure.

NEWSAM is thus similar to EP 0 897 174, as to the order of deposition of the layers.

In NEWSAM, it is taught that this construction provides a better adhesion between the layers thanks to the position of the open weave fabric between the acoustic damping layer and the cellular core. See column 1, lines 27-30, and column 2, lines 40-55 of NEWSAM.

But NEWSAM does not teach or suggest, nor does any other reference of record, placing the open weave layer on the other side of the acoustic damping layer of NEWSAM, in the position of an exposed protective layer.

Such an alteration of NEWSAM is basically inconsistent with the NEWSAM construction, in which the position of the open weave structure is required in order to provide a better adhesion between the acoustic damping layer and the cellular core. If the NEWSAM open weave structure were placed as an outer exposed layer, it could not perform this function, and so the basic structure and function of NEWSAM would be destroyed. This is entirely contrary to what is permitted in U.S. patent practice.

Moreover, nothing in NEWSAM or any other reference of record, teaches that an open weave layer as recited in our claim 9, may be used as an exposed outer layer.

HOM, WHITEMORE and BEGGS contain no suggestion of putting NEWSAM's internal sandwiched adhesive layer, on the outside.

Claim 9 has been amended to emphasize this aspect of the present invention, and so is patentable, and with it the other claims that were rejected on the same ground.

Claim 10 is patentably distinguished by piercing the layer in question while still on the mold. The Official Action repeats the same complicated combination of references as was applied against claim 9, and adds to it DAUNT et al. and ADEE et al. As to DAUNT et al., the Official Action (page 6 toward the bottom) points out that the cylindrical member was pierced while supported on a drum. The Official Action then argues that one skilled in the art would have "understood" that the tooling would have "merely" been kept in place for the piercing operation.

But this is not at all the teaching of DAUNT et al. This is only the teaching of hindsight. Nothing in DAUNT et al. suggests this; and it is only in the light of our disclosure of the same, that the step can be described as "merely" and "understood".

Near the top of page 7 of the Official Action, making the form on which the material is perforated, the same form used for lay up and curing, is described as "desirably". Well, yes, once we have disclosed this, its desirability can be seen. But

without our disclosure, it would not have been "desirably" the same form or tool: This is only hindsight in light of our disclosure and so is not permissible for purposes of rejecting claim 10 or the other claims in the group rejected.

In view of the present amendment and the foregoing remarks, therefore, it is believed that this application has been placed in condition for allowance, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following item:

- copy of U.S. Patent 6,268,038